

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

HEALTH AND HUMAN SERVICES, et  
al.,

Defendants.


Case No. [17-cv-05783-HSG](#)

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

As discussed during the August 26, 2025, case management conference, a court in the Eastern District of Pennsylvania recently issued an order vacating the Final Rules in their entirety in *Pennsylvania v. Trump*, No. 17-4540 (E.D. Pa. Aug. 13, 2025). The parties nevertheless urge the Court to rule on the motions for summary judgment still pending in this case, which concern whether these same, now-vacated Rules are lawful or unlawful. The Court, however, is cognizant that it may not issue advisory opinions. And the parties did not explain why the pending motions—and indeed this case—are not currently moot in light of the EDPA order entirely vacating the Final Rules. The Court therefore **DIRECTS** the parties to file supplemental briefs identifying what authority the Court retains to rule on the pending motions in light of the EDPA order vacating the Final Rules. The parties should focus on controlling law from the Ninth Circuit and Supreme Court. To the extent the parties agree, they may coordinate and file a single brief. The parties shall file their brief(s) of no more than 10 pages by September 12, 2025.

**IT IS SO ORDERED.**

Dated: 8/27/2025

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge